

**“Buy American” Requirements for
the National School Lunch Program**

Purpose:

This instruction sets forth the policy regarding the U.S. Department of Agriculture's (USDA) “Buy American” requirements for National School Lunch Program commodity purchases.

Scope:

Sponsors participating in the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and/or the Special Milk Program (SMP).

Description:

The purpose of this instruction is to inform sponsors of the NSLP, SBP, and SMP of the requirements for buying American products.

The “Buy American” requirements for school lunch program commodity purchases were enacted as part of the Commodity Distribution Reform Act and WIC Amendments of 1987.

The 1998 reauthorization of the National School Lunch Act required recipient agencies participating in the National School Lunch Program and the School Breakfast Program in the contiguous United States to buy food produced in the United States when buying with Federal funds. While the 1987 legislation allowed certain limited exceptions to the “domestic origin” requirement, the new legislation is specific in requiring schools, to the maximum extent practicable, to purchase products of domestic origin.

As defined in the legislation, a domestic food commodity is an agricultural commodity (for example, red meat, chicken, fruit, vegetable, or grain) that is produced in the United States. A domestic food product is processed in the United States substantially using domestic agricultural commodities. Substantially means that over 51 percent of the processed food comes from American produced products. Regulations implementing these requirements (at 7 CFR 210.21 and 220.16) were published on September 20, 1999.

Occasionally, a significant price difference between U.S. and foreign product may tempt a School Food Authority to purchase the cheaper foreign product. However, this price difference could be attributable to price-distorting subsidies of a foreign government.

SOURCE: FNS MEMO, DATED NOVEMBER 8, 1999, USDA, FOOD AND NUTRITION SERVICE; FY 00 NUTRITION EDUCATION AND SCHOOL MEALS PROGRAMS #1-00.